

Case No. PD-0639-18

FILED  
COURT OF CRIMINAL APPEALS  
10/24/2018  
DEANA WILLIAMSON, CLERK

---

In the Texas Court of Criminal Appeals

---

**DAVID R. GRIFFITH,  
APPELLANT**

**v.**

**THE STATE OF TEXAS,  
APPELLEE.**

---

On Discretionary Review from the Tenth Court of Appeals, in cause no. 10-14-00245-CR; Direct Appeal in cause number C-35408-CR; County Court at Law, Navarro County, Texas, the Honorable Amanda Putman, presiding.

---

**Appellant's Motion to Extend Time to File Opening  
Brief by Three Days**

---

Niles Illich  
The Law Office of Niles Illich, Ph.D.,  
J.D.  
701 Commerce  
Suite 400  
Dallas, Texas 75202  
Direct: 972-802-1788  
Facsimile: (972) 236-0088  
Email: Niles@appealstx.com

---

## **DAVID R. GRIFFITH'S MOTION TO EXTEND TIME TO FILE OPENING BRIEF**

David Griffith asks this Court to grant him an additional three (3) days from the original deadline of October 26, 2018 in which to file his opening brief. If granted this extension of time will make his brief due on October 29, 2018.

### **Introduction**

1. This Court granted discretionary review on September 26, 2018. Appellant obtained the record from the Attorney Portal (Counsel for Appellant did not represent Appellant until the Motion for Panel Rehearing). As counsel reviewed the nearly 2300 page record, counsel discovered that there were exhibits and volumes that were not included in the record that counsel downloaded from the Attorney Portal. Counsel now has the entire record but the effort to secure the entire record delayed counsel's work on this brief.

### **Argument and Authorities**

2. There is no specified deadline to file a motion to extend time to file an appellant's brief.<sup>1</sup>

3. The current deadline is October 26, 2018; Appellant has not sought nor received additional time in which to prepare this brief.

---

<sup>1</sup> TEX. R. APP. P. 38.6(d) & 70.

4. In addition to the difficulties that counsel has had in securing the record in this case, counsel has also had to complete an application for a temporary restraining order and a preliminary injunction in a civil case that has been appealed to the Fifth Circuit Court of Appeals (cause number 17-11135). This effort includes an appendix of more than 300 pages and a brief in support of the motion contains more than 11,000 words. This effort has diverted counsel's otherwise diligent attempt to complete this brief by October 26, 2018. Without this restraining order a family will lose its home of more than thirty years to a foreclosure sale on November 6, 2018.
5. Accordingly, counsel asks this Court to grant him until October 29, 2018 to file his opening brief.

Prayer and Conclusion

6. Counsel asks this Court to grant him until October 29, 2018 to file his opening brief.

Respectfully Submitted,

/s/ Niles Illich

Niles Illich

SBOT: 24069969

The Law Office of Niles Illich, Ph.D., J.D.

701 Commerce, Suite 400

Dallas, Texas 75202

Telephone: (972) 802-1788

Facsimile: (972) 236-0088

Email: Niles@appealstx.com

**ATTORNEY FOR APPELLANT**

### **CERTIFICATE OF COMPLIANCE**

This is to certify that this brief complies with Rule 9.8 of the Texas Rules of Appellate Procedure because it is computer generated and does not exceed 700 words. This motion also complies with the typeface requirements because it has been prepared in a proportionally-spaced typeface using Microsoft Word in 14-point Century font for the text and 12-point Times New Roman font for the footnotes.

/s/Niles Illich  
Niles Illich

### **CERTIFICATE OF CONFERENCE**

On October 23, 2018, Niles Illich sent an email to Robert Koehl at: rkoehl@navarrocounty.org to discuss this motion. Mr. Koehl, graciously, is unopposed.

/s/Niles Illich  
Niles Illich

### **CERTIFICATE OF SERVICE**

This is to certify that on October 24, 2018 that a true and correct copy of this Motion was served on lead counsel for all parties in accord with Rule 9.5 of the Texas Rules of Appellate Procedure. Service was accomplished through an electronic commercial delivery service to Robert Koehl at: rkoehl@navarrocounty.org.

/s/ Niles Illich  
Niles Illich